



Planning Commission Meeting Minutes

DATE: March 22, 2011

APPROVED BY:

A handwritten signature in blue ink, appearing to be "JWB", is written over a light gray rectangular background.

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION February 22, 2011

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Pesec called the meeting to order at 5:03 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Morse, Schaedlich, Siegel, Pegoraro (alt. for Troy), Welch (alt. for Aufuldish), Zondag, and Mmes. Hausch and Pesec. Staff present: Messrs. Boyd, Radachy, and Ms. Myers.

ELECTION OF OFFICERS

Mr. Siegel, Chair of the Nomination Committee, asked Mr. Morse to read and submit the document he took as Recorder on February 22, 2011 stating that, after a brief discussion, Vanessa Pesec was re-nominated for Chairperson of the Commission, Geraldine Hausch was re-nominated for Vice Chairperson and Director, Jason Boyd was re-nominated to serve as Secretary.

All agreed to serve in the respective offices.

Mr. Pegoraro moved to approve the officers as nominated and Mr. Schaedlich seconded the motion.

All voted "Aye".

MINUTES

Mr. Siegel moved and Mr. Schaedlich seconded the motion to approve the December 14, 2010 minutes as submitted.

Nine voted "Aye".

Mr. Zondag arrived after this vote at 5:06p.m.

FINANCIAL REPORT

December 2010 Financial Report

Mr. Schaedlich moved to accept the December 2010 financial report as submitted. Mr. Morse seconded the motion.

All voted "Aye".

January 2011 Financial Report

Mr. Adams moved to accept the financial report for January 2011 as submitted. Mr. Schaedlich seconded the motion.

All voted "Aye".

2011 Public Officials Directory Quotes

Mr. Boyd presented the quotes for printing 650 copies of the 2011 Public Officials Directory that were in the handout. The lowest bid was from the ReproCenter in Euclid at \$1,469.00. It was also suggested to keep the purchase price of the directories the same as last year at \$5.00 each.

Ms. Hausch moved to accept the bid from ReproCenter for \$1,469.00 and to sell the Public Officials Directories for \$5.00 each. Mr. Morse seconded the motion.

All voted "Aye".

2011 Budget Hearing

Mr. Boyd said he and Elaine Truesdell met with the Commissioners and Mike Matas, Budget Director, for their budget hearing on February 10, 2011. A 2010-2011 budget comparison was a part of the handout each member received. The Director noted that practically all line items had been reduced this year. The reduced items were indicated in red. He noted that a \$30,000.00 check was received last Wednesday for the Balanced Growth Initiative Grant, which was not included and has since been put into our revenues account. The blue figure of \$10,000.00 was the amount the Commissioners budgeted for this grant for 2011. The two amounts together would bring the red items into the black showing how financially important this grant and the CDBG program is to the Planning Commission office.

The Commissioners did not decrease staff salaries in the 2011 budget.

A member questioned the negative amount in the Workers Compensation line item and was told by Mr. Boyd that this figure is determined by the Commissioners for the whole Lake County government group and given to each department per each employee. It is not an item in which we have any say.

It was suggested to wait to approve the budget figures at this time because this is only a temporary budget. The final budget will be brought to the Commission for approval when received around the end of March or beginning of April. It should be approved at that time.

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

There was no legal report. No Assistant Prosecutor attended.

DIRECTOR'S REPORT

Mr. Boyd stated that David Radachy continued to work with Fairport Harbor on a new waterfront (Grand River) zoning district. He is doing a lot of extra work in Fairport Harbor. Mr. McGuirk, Village Administrator, and Mayor Sarosy are very happy with his work. We contracted on an hourly basis with the Village for consulting services.

The Balanced Growth Initiative is going nicely. We are on our second round of meetings with the communities and things are progressing better than expected. A draft plan is due to ODNR by the end of June. A second payment of \$30,000 was received in February.

On February 17, 2011, Ashtabula County kicked off their coastal plan initiative. We were asked to help with the Ashtabula coastal grant.

The Grant Office is still consuming a good portion of staff's time. Mr. Boyd is doing administration, Ms. Truesdell will be working on the finance portion, Mr. Radachy is working on mapping and Ms. Myers is doing typing, contracts, and etc. The office will be expanding their scope. Ms. Marian Norman, who was part of our staff some years back, may be coming back over to help begin this consolidation. CDBG has administration funds and is researching a qualified consultant to assist with the program. There have been two bids received by the Commissioners. With a qualified consultant, we can start to shed some of our issues and check to see if we are doing things correctly on the CDBG grants. Compared to two or three months ago, things are much more in control. He is hopeful that when our staff work becomes overwhelming, we can look to bring on another person.

Mr. Zondag said being flexible is good, but he suggested that the staff go very slowly and think carefully about what will happen when subdivisions start to pick up again.

Mr. Boyd said the Federal CDBG grant allows for 20% of the grant to be used for staff administration and overhead. Once we get a qualified CDBG person, we will look to cross train when staff leaves. When Ms. Udrija left, we did not have anyone with that ability to step in place. We hope to be able to keep up in planning and zoning.

Mr. Brotzman inquired about 20% of staff's salaries being paid by this grant. Mr. Boyd stated he was fairly sure this would increase to include the NSP Program also. Indirectly, it is a savings for our office and the County General Fund. The decision to become more of a community development office is still in motion. Ms. Norman will come back to do the HOME Program on a 100% basis.

ANNOUNCEMENT

There were no announcements.

SUBDIVISION REVIEW

Painesville Township – Lake Erie Shores, Phase 5 – Resubdivision of Plat of Lake Erie Shores, Phase 2B, Sublots 190 & 101, 28 Lots, 3.2741 Acres

Mr. Radachy stated there was one subdivision this month, Lake Erie Shores, Phase 5 in Painesville Township. This is a resubdivided plat of Lake Erie Shores, Phase 2B. It involves sublots 190 and 191. The developer is proposing to divide them into 28 sublots. The applicant is John Eavenson of Oster Homes/K. Hovanian LLC. The engineer is Lynn Egensperger of Oxbow Engineering, Inc.

This subdivision is dividing land that was originally divided into sublots 190 and 191 of Lake Erie Shores, Phase 2B. The property was originally approved for single-family homes in 1999. The FPUD was amended to allow for attached single-family units in 2002. Tradewinds Villas Condominiums were developed with 67 units.

Mr. Radachy displayed the plat and stated this plat was originally approved as Phase 2B. The preliminary plan was approved in 2002 and the final plat was approved in 2003. The plat sublots 190 and 191 were divided into Phase 2A, single-family homes and Phase 2B, condominiums. Initially, they were 6 acres and 4 acres of land and were to become condos of 6, 5, and 4 units. The former developer walked away and the bank took over the property. The land was purchased from the bank by Oster Homes.

Mr. Radachy stated that the current developer is proposing 28 fee-simple sublots and Block "A". Block "A" will become parking for the adjacent condominiums. He also showed the grading plan. The following are the proposed stipulations and comments:

Proposed Plat Stipulations:

1. All subplot pins shall be set. *Article I Section 4(H)*
2. The land owner in the acknowledgment and the land owner listed in the Lake County Auditor's records do not match. Please correct this issue. *Article III Section 10 (E)(4)(a)*
3. Distances for the rear line of subplot 1 and 2 are missing. These need to be added. *Article III Section 10 (E)(4)(b).*
4. The centerline curve data for the curve on Pebble Beach Cove in front of subplot 10 and subplot 189 (Lake Erie Shores Phase 2) shall be shown. *Article III Section 10(E)(4)(b)(vi)*
5. The volume and page for the plats creating Pebble Beach Cove and Tradewinds Cove shall be listed after the names of the streets and volume and page for the document creating existing utility easements shall be listed on the plat. The wetland and environmental covenant shown on volume 46 page 30-1-A shall be shown on this plat. *Article III Section 10(E)(4)(b)(ii)*
6. There is a storm sewer from Tradewinds Villas Condominiums that crosses into subplot 25 that needs to be placed into an easement. *Lake County Planning Commission*
7. The sanitary sewer lateral for subplot number 9 is partly located in land owned by the Tradewind Villas Condominium Association. *Lake County Planning Commission*
8. The subdivision acreage is incorrect. The acreage shall be corrected.
9. Final Plat should indicate that sublots 25-28 will be subject to deed restrictions incorporating those properties into the rules and regulations of the Tradewind Villas Condominium Association. *Painesville Township*
10. At Least two monuments must be tied into the Ohio State Plan Coordinate System. *Lake County Engineer*
11. Darken boundary rear line of s/l 25-28. *Lake County Engineer*
12. Add detail view of s/l 8 and s/l 9's and s/l 18 and 19 intersection with ROW line to show the small distances along the ROW. *Lake County Engineer*

13. All Subdivision Reviewers deficiencies with the construction drawings shall be addressed prior to approval of the subdivision plat. *Lake County Planning Commission*
14. Sublot numbering on the lot split plat should follow the numbering of the subdivision as a whole. It should start with the next available number. The other option is to create a new subdivision name and not use the "phase" name. *Lake County Engineer and Lake County Planning Commission*
15. The subdivision's homeowner association will be required to be updated to include this phase.
16. Painesville Township has received a zoning permit application for proposed sublot 2. If a permit is issued, a site plan for proposed sublot 2 would be required to be submitted to the Planning Commission Staff. Staff is required to make sure that the building will meet zoning in regards to the proposed plat. *Lake County Planning Commission*

Deficiencies per other Subdivision Reviewers' Regulations:

1. Water service connections must be 48 inches deep, in a separate trench and five feet away from any other utility. The trench must be five feet from any obstruction (driveway, telephone pole, etc.) and 10 feet from any building. *Lake County Sanitary Engineer*
2. Sanitary lateral connections must be in a separate trench and five feet away from any other utility. The trench must be five feet from any obstruction (driveway, telephone pole, etc.) and 10 feet from any building. *Lake County Sanitary Engineer*
3. Final Plat should show lot widths at the building setback line. *Painesville Township*
4. Submit updated storm sewer management calculation report. *Lake County Engineer*
5. Provide typical details for all existing utility line extensions. Add zone of influence detail. *Lake County Engineer*
6. Provide location for all CEI pods. *Lake County Engineer*
7. Provide details for existing storm sewer removals. Will these remain until sublot is developed? *Lake County Engineer*
8. Provide existing topography lines behind sublots 10-24. *Lake County Engineer*
9. Provide typical detail for individual yard drains. *Lake County Engineer*

10. The site will require an Ohio Environmental Protection Agency National Pollutant Discharge Elimination System (NPDES) permit for storm water management and erosion and sediment control. *LCSWCD*
11. The Lake County Erosion and Sediment Control Rules require an ESC Plan to be developed and approved prior to the start of construction activities. *LCSWCD*
12. Erosion and sediment control practices used to satisfy the performance criteria of the Lake County Erosion and Sediment Control Rules shall meet the specifications provided in the current edition of Rainwater & Land Development Manual. *LCSWCD*
13. Please show a detailed drawing for the inlet protection proposed on P3. Grading Plan. *LCSWCD*
14. Please show locations of on-site soil stockpiles, temporary and permanent seeding, construction drives and other erosion sediment control practices on the grading plan. *LCSWCD*
15. P.2, Stormwater Pollution Prevention Plan Notes, Notes:
Off side disposal areas of excavated material not covered by a separate NOI and SWP3 must be shown on the plan. If off site areas are covered under an existing NOI and SWP3, please provide proof of coverage. *LCSWCD*
16. P.2, Stormwater Pollution Prevention Plan Notes, General Notes:
Please change '45 days' to '21 days' for stabilization of dormant areas. *LCSWCD*
17. P.2, Stormwater Pollution Prevention Plan Notes, Erosion and Sediment Notes:
Please remove 'in accordance with ODOT Item 659 and/or' from the first sentence. All ESC specifications shall comply with the most current edition of ODNR's Rainwater and Land Development Manual. *LCSWCD*
18. P.2, Stormwater Pollution Prevention Plan Notes, Erosion and Sediment Notes, 4.:
Please change '30 days' to 21 days' for disturbed areas. Additionally, please add language for timing and performance of the seeding application per Rainwater and Land Development Manual specifications. *LCSWCD*
19. P.2, Stormwater Pollution Prevention Plan Notes, Erosion and Sediment Notes, 9.:
Please change "ODOT" to 'the most current edition of ODNR's Rainwater & Land Development Manual'. *LCSWCD*
20. P.2, Stormwater Pollution Prevention Plan Notes, Temporary Seeding Specification #2.:
Soil Stockpiles shall receive temporary seeding AND mulch. Please remove the reference to 'or'. *LCSWCD*

Other Subdivision Reviewers Comments:

1. Will all the sanitary laterals be brought to the ROW line now under one contract in accordance with the Lake County Department of Utilities Rules and Regulations? *Lake County Sanitary Engineer*
2. Painesville Township Trustees have approved the proposed plat for Lake Erie Shores Phase 5 including:
 - a. 25-foot minimum front setbacks on sublots 1-9, 10-12 and 18-28.
 - b. Lot width of a minimum of 38 feet at the building setback line for sublots 1-28.
 - c. 25-foot minimum setback from side street right-of-way on corner lots (sublots 4 and 10)
3. Neglects vicinity map. *Lake County Engineer (Not required by regulations for lot split plat)*
4. Add all required signature lines . *Lake County Engineer*
5. Does existing utility line need to be re-dedicated? Show existing utility easement along existing ROW. *Lake County Engineer*
6. Since boundaries are not contiguous should there be three different resubdivisions? *Lake County Engineer*

There is an incorrect acreage listed on the cover sheet. It is listed as 3.2741 and should be 3.6541.

The Lake County Engineer is concerned with sublots 8 & 9 and 18 and 19 having short lengths. They are difficult to read on the plat and the County Engineer would like to see the details showing short lengths.

Mr. Radachy stated that approving this subdivision by plat is easier than reviewing by lot split.

Staff recommended approval with 16 stipulations on the final plat.

Mr. Siegel moved to approve Lake Erie Shores Phase 5, Lake Erie Shores Phase 2B with 16 stipulations, 20 deficiencies and 6 comments. Mr. Schaedlich seconded the motion.

Lynn Egensberger of Oxbow Engineering and John Eavenson of Ostrow Homes voiced the need to discuss stipulation #9 at this point. They had talked with Rich Constantine, Painesville Township Zoning Inspector, and had come to an agreement with him on this

stipulation to leave it open-ended by placing a period after the word “regulations” and deleting “of the Tradewind Villas Condominium Association”. The condominium association wants a deed restriction that mandates the new homes pay for grass and plowing because that is what they have been doing up to now in the existing condominium development. This would give them a legal document.

Mr. Boyd was concerned about whether we should be revising a stipulation submitted by an outside agency. He did not believe we had the authority to do this

Mr. Eavenson stated he had a conversation on this issue with Mr. Constantine. His agency will provide legal documentation. It was recommended to give this back to him to have the trustees return it approved or not approved.

Dave Radachy said this was presented by the Zoning Inspector at their meeting. Mr. Radachy was advised to get a revision from Painesville Township and discuss leaving it open-ended with Mr. Constantine.

Mr. Siegel moved to amend his motion. Mr. Schaedlich moved to amend his second.

Mr. Siegel amended his motion to approve the Lake Erie Shores, Phase 5 final plat re-subdivision of Lake Erie Shores Phase 2B and to have Mr. Radachy contact the Painesville Township Zoning Inspector to get permission from Painesville Township to amend stipulation #9 as requested by Ms. Egensberger and Mr. Eavenson, to leave it as written or to change it as they decide requiring no further action by the Commission, only notification. Mr. Siegel seconded the amended motion.

All voted “Aye”.

Subdivision Activity Report

Mr. Radachy reported the following subdivision activity:

- Cambden Creek, Phase 2 has been placed on the Lake County Board of Commissioners’ Agenda for final plat approval.

LAND USE AND ZONING REVIEW

There was no land use and zoning to review.

REPORTS OF SPECIAL COMMITTEES

Coastal Plan Committee Lake County Development Council Member Replacement

Mr. Larry Reichard has agreed to replace Mr. James Kish on the Lake County Coastal Plan Committee representing the Lake County Development Council. The Chair appoints the Committee members. Ms. Pesec agreed to Mr. Reichard's appointment.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mr. Brotzman mentioned that an interesting thing came up at a Madison Township Zoning Commission meeting concerning a site plan approved in 2005-6 and they were not sure if there was a sunset provision in their regulations.

Mr. Radachy said most zoning ordinances have a sunset provision and believed this was about condominiums. These particular condos have been setting for a long time. Mr. Boyd said the sunset provision should be stated in the zoning resolution.

Ms. Pesec asked if staff was doing anything to educate the zoning inspectors and was told the staff had been holding zoning luncheons twice a year. Mr. Boyd said they may start this again. Mr. Radachy stated this was why we are involved in the Northeast Ohio Zoning Workshop. Site plan review is a topic that has been discussed at some of these workshops.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Mr. Siegel moved to adjourn the February 22, 2011 meeting and Ms. Hausch seconded the motion.

All voted "Aye".

The meeting adjourned at 5:40p.m.